

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR JUSTICE A.J. SADASHIVA

WRIT PETITION NO.33148-33150/1994

BETWEEN:

1. W.P.33148/1994:

Major S.N. Chadda,  
S/o late Janakidas,  
aged 62 years.

2. W.P.33149/1994:

Vimala Chadda,  
W/o S.N. Chadda,  
aged 52 years.

Petitioners 1 & 2 are residents of  
Fauji Farm, No.99, Basavanahalli,  
Bogadi, Mysore-570 006.

3. W.P.33150/1994:

Rithu Chadda,  
D/o S.N. Chadda, aged 31 years,  
resident of No.13,  
Temple Road, Jayalakshmipuram,  
Mysore.

... PETITIONERS

[By Sri.T.N. Raghupathy, adv.for petitioners]

AND:

1. Mysore Urban Development Authority,  
Mysore,  
Represented by its Commissioner.

2. Special Land Acquisition Officer,  
Mysore Urban Development Authority,  
Mysore.

3. State of Karnataka,  
Represented by its Secretary,  
Department of Housing and Urban  
Development, Multistoreyed Building,  
Bangalore-560 001. ...

RESPONDENTS

[By Sri.P.S.Manjunath, Adv.for R1 and R2;  
Sri.K.H. Jagadish, HCGA for R3]

These Memorandum of Writ Petitions are filed under Articles 226 and 227 of the Constitution of India, praying to declare that the notification dated 23.12.1991, issued by the first respondent, produced at Annexure-A, in No.2/91-92, in so far as it relates to the land bearing Sy.No.99/1, 99/2, 99/3 and No.99/4, measuring in all 2 acres 37 guntas in extent, situated at Basavanahalli village, Mysore Taluk, is illegal and quash the same; and to declare that the notification dated 10.12.1992, issued by the third respondent produced at Annexure-B, in No.837/MIB/92, in so far as it relates to the land bearing Sy.No.99/1, 99/2, 99/3 and 99/4, measuring in all 2 acres 37 guntas in extent situated at Basavanahalli village, Mysore Taluk, is illegal and quash the same.

The petitions coming on for hearing this day, the court made the following order:

# ORDER

Sri.K.H. Jagadish, learned HCGA is directed to take notice for Respondent No.3.

2. The petitioners in these petitions are seeking a writ of certiorari for quashing the notifications dated December 23, 1991 and December 10, 1992, issued by the first respondent and 3rd respondent respectively, as per Annexures-A and B in so far as they relate to Sy.Nos.99/1, 99/2, 99/3 and 99/4 situated in Basavanahalli village, Mysore Taluk.

3. The objections of the petitioners to the acquisition of the aforesaid land for the first respondent are almost similar to the objections raised by the petitioner in W.P.33102/1994 and the lands acquired in these petitions are for the very scheme for which the land involved in

W.P.33109/1994 was acquired. These petitions are therefore covered by the decision of this court in W.P.33109/1994.

4. Following the decision in the said case and for the very reasons recorded therein, these petitions fail and accordingly dismissed.

5. In the circumstances of the case, there is no order as to costs.

6. Sri.K.H. Jagadish, learned HCGA is permitted to file memo of appearance for R3 within four weeks.

Sd/-  
JUDGE

sub.

